IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE JURISDICTION

APPEAL FROM ORDER NO.877 OF 2005

Bipin Bhagwandas Patel .. Appellant

vs

Muni.Corpn. of Gr.Bombay & ors.. Respondents

Mr.E.A.Sasi for Appellant

Mr. P.M.Havnur for Respondent nos 1 & 2

..

CORAM : B.H.MARLAPALLE, J

DATE: 28th September, 2005

P.C.

1. Heard learned counsel for the appellant. By the impugned order dated 8th August, 2005 ad interim injunction granted is only against cooking food or eatables in the suit premises and that does not mean that the said order brings the business of

the appellant to a stand still. The appellant will have to shift the place of cooking food to somewhere else and there is no prohibition from selling any eatables from the suit premises. Ad interim order does not call for any interference having regard to the averments set out in the plaint regarding nuisance on account of cooking food below the plaintiff’s house.

2. Appeal is therefore, dismissed in limiine.

(B.H.Marlapalle, J)